

Atty. Docket No. YOR920010266US2
(590.071)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Claims 1-15 were pending in the instant application at the time of the outstanding Office Action. Independent Claims 1, 8, and 15 have been have been rewritten. Dependent Claims 13-14 have been rewritten to correct an obvious typographical error in the dependency of the claims. These amendments are not in acquiescence of the Examiner's position on the allowability of the claims, but merely to expedite prosecution. It should be noted Applicant intends no change in scope of the claims by the changes made by these amendments and has introduced no new matter to the specification.

Claims 1-3, 6-10, and 13-15 stand rejected under 35 U.S.C. 102(b) as anticipated by Biere. Claims 1-5, 8-12, and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Biliris. Reconsideration and withdrawal of the present rejections is hereby respectfully requested.

As presently amended, Independent Claims 1, 8, and 15 recite that at least a partial order among the nodes is maintained. It is respectfully submitted that the applied art clearly falls short of present invention in that the applied art does not disclose or suggest maintaining "at least a partial order among the nodes". Accordingly, Applicant

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respectfully submits that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also In re Marshall, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

The prior art made of record and not relied upon has been briefly reviewed. Like the references relied upon, it is not considered to disclose the present invention.

In view of the foregoing, it is respectfully submitted that Claims 1, 8, and 15 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 8, and 15, it is respectfully submitted that Claims 2-7, and 9-14 are also presently allowable. Notice to the effect is hereby earnestly solicited.

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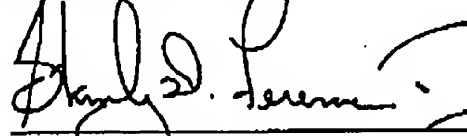
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Applicant's attorney would welcome further discussion with the Office in the
event there are any further issues in this application

Respectfully submitted,



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